

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID PAIVA

Plaintiff/Counter-defendant

v.

THE BANK OF NEW YORK MELLON  
FKA THE BANK OF NEW YORK AS  
TRUSTEE FOR THE CERTIFICATE  
HOLDERS CWALT, INC.  
ALTERNATIVE LOAN TRUST 2005-  
48T1, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-48T1

Defendant/Counter-plaintiff

C.A. No. 14-14531-ADB

**NOTICE OF SUPPLEMENTAL  
AUTHORITY**

Plaintiff, David Paiva, hereby notifies the Court of supplemental case law recently issued by Judge Crane of the Massachusetts Appellate Division, District Court Department.

In *Federal Home Loan Mortgage Corporation v. LaPorta*, No. 14-ADMS-10006, 2015 WL 1994737 (Mass. App. Div. April 7, 2015), the court overturned Federal Home Loan Mortgage Corporation's ("Fannie Mae") motion for summary judgment based on the lender's failure to strictly comply with Paragraph 22 of the mortgage. The court held, pursuant to the terms of the mortgage, that the lender must send the notice of the default, and the mortgagee's failure to strictly comply with the mortgage voided the foreclosure sale. *Id.* at 4. Summary judgment was reversed and granted in favor of the homeowners. *Id.* at 5. Paiva's cross motion for summary judgment, and his opposition to Defendant's motion for summary judgment, are currently pending before this Court, and Paiva asks

for relief based on a similar argument. A true and accurate copy of the *LaPorta* decision is attached hereto for the Court's consideration in deciding Defendant's motion for summary judgment and Plaintiff's cross-motion for summary judgment.

Respectfully submitted,

Plaintiff,  
David Paiva,  
By counsel,

/s/ Sean R. Cronin

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May 20, 2015

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 20, 2015.

/s/ Sean R. Cronin

Sean R. Cronin